

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

1-90

**ROSARIO NÁTER GONZÁLEZ;  
SARAH OTERO NÁTER**

Plaintiffs

v.

**COSTCO WHOLESALE CORPORATION**  
Defendant

CIVIL NO.:

**COMPLAINT**

TO THE HONORABLE COURT:

COME NOW plaintiffs, through the undersigned attorney, and respectfully state, allege and pray as follows:

1. The jurisdiction of this Honorable Court is invoked based on diversity of citizenship, pursuant to 28 USCA section 1332.
2. Venue is proper in the District of Puerto Rico pursuant to 28 USC sec. 1391 because the events or omissions that gave rise to this cause of action occurred in Puerto Rico.
3. The causes of action of the plaintiffs against defendant arise under articles 1802 and 1803 of PR's Civil Code, 31 L.P.R.A. §5141 and §5142.
4. Plaintiff Rosario Náter González is of legal age, domiciled in Puerto Rico. Her address is Urb. Bella Vista, Calle A-19, Vega Baja, PR, 00963.
5. Plaintiff Sarah Otero Náter is the daughter of Mrs. Rosario Náter González, of legal age, domiciled in Puerto Rico. Her address is Urb. Bella Vista, Calle A-19, Vega Baja, PR, 00963.

6. Defendant Costco Wholesale Corporation, trading as Costco, is an American multinational corporation which operates a chain of membership-only warehouse clubs, with its worldwide headquarters are in Issaquah, Washington, USA, which owns, operates, and/or manages the club warehouse, property and facilities known as Costco Warehouse located in Hato Tejas, Bayamón, PR (together hereinafter referred to as “Costco”). It is domiciled in a state other than Puerto Rico.

7. This complaint arises from an accident that occurred on October 18<sup>th</sup>, 2017 in an aisle of the establishment Costco Warehouse, located at 125 Street A, Bayamón, PR 00959.

8. That day, around 4:30 pm, Mrs. Náter González was shopping at Costco when her feet became entangled with some sort of string and/or rope and/or plastic that was lying on the floor.

9. Such string and/or rope and/or plastic created a dangerous condition that was actually or constructively known to Costco, who failed to correct in time. It was foreseeable that such condition could harm one of Costco’s visitors, like plaintiff.

10. Mrs. Náter González fell on her right arm facing the floor.

11. The impact was so strong that Mrs. Náter González could not move her arm nor her body and was unable to stand up, so she had to remain on the floor until the paramedics arrived.

12. Mrs. Náter González was transported on an ambulance to the Doctor’s Center Hospital located in Bayamón, PR., where fracture of the humerus of her right shoulder was diagnosed.

13. On October 19, 2017 Plaintiff Náter González was transferred to El Maestro Hospital and admitted; she underwent orthopedic surgery on October 22, 2017 for her right shoulder fracture, receiving a plate and 7 screws.

14. As part of her medical treatment, Mrs. Náter González had to visit the emergency room, was hospitalized, underwent surgery for her right shoulder, has attended several medical appointments on multiple occasions and her treatment has required several physical therapies and prescription medicine intake.

15. As a result of these events, Mrs. Náter González's life was completely changed. While before she was a totally independent woman enjoying her golden years and working as a caretaker for an elder woman, she is now partially disabled and dependent on her daughter for her daily activities.

16. Both plaintiffs have also experienced special damages, including medical expenses and/or loss of income.

17. Plaintiff Rosario Náter González's damages, general and special, caused by the negligence of defendant, are conservatively estimated in the amount of \$300,000.00.

18. As a result of all the injuries suffered by her mother, plaintiff Otero Náter experienced and continues to experience severe mental anguishes. Her damages are estimated in no less than \$150,000.00.

WHEREFORE, Plaintiffs respectfully request from this Honorable Court a judgment against codefendant for the damages sustained by Plaintiffs, as well as the award of costs, attorney's fees, interest, expenses and any other relief allowed in law and/or equity the Court might deem proper, regardless whether said remedy was claimed or not.

In San Juan, Puerto Rico, this 11 of October, 2018.

Respectfully submitted,

**S/LUIS MARTINEZ-LLORENS**

LUIS MARTINEZ-LLORENS

BAR NO.: 211509

Attorney for Plaintiffs

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